

CITY COUNCIL MINUTES

June 17, 2013

I. ROLL CALL & ORDERING OF AGENDA

President Mike Buytendyk called the regular meeting of Wooster City Council to order at 7:47 p.m. in council chambers. The following members were present: Jon Ansel, Mark Cavin, Barbara Knapic, Craig Sanders, David Silvestri, Jeff Steiner, and Jon Ulbright.

City Administration present: Director of Administration, Joel Montgomery; Finance Director, Andrei Dordea; and Law Director, Dick Benson. Mayor Breneman was out of town and unable to attend.

II. APPROVAL OF MINUTES

Mr. Steiner moved, seconded by Ms. Knapic, to approve the June 3, 2013 meeting minutes. Upon voice vote, the motion carried unanimously.

III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION

Mr. Montgomery conveyed the gratitude of the city administration for the outstanding job performed by the city's police and fire divisions in handling the arson fire on Nold Avenue. Mr. Montgomery also advised that the Dix Highway construction project is going to begin on Wednesday, June 19, 2013. Lane closures will be involved in this project, so residents will want to plan their routes accordingly.

IV. PETITIONS/COMMUNICATIONS FROM PUBLIC

City council received a petition to vacate the alley running between parcels owned by 300 Tire and Auto. Mr. Ulbright announced a public hearing to be held on the matter at 7:30 p.m. on July 1, 2013.

V. COMMITTEE REPORTS; PUBLIC HEARINGS

Mr. Ansel held a public hearing for the 2014 Tax Budget. No one in attendance had any comments or questions.

VI. OLD BUSINESS

1. Second Reading – RESOLUTION NO. 2013-51 A RESOLUTION PROVIDING FOR THE ANNUAL TAX BUDGET FOR 2014 (Ansel)

Mr. Ansel announced that the projections and figures that were distributed to council pertaining to this resolution will be filed with the Wayne County Auditor by the end of June 2013. Mr. Ansel advised that he will hold a Finance Committee meeting at 6:00 p.m. on Monday, July 1, 2013 prior to the regularly scheduled council meeting.

Mr. Ansel moved, seconded by Mr. Sanders, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

VII. NEW BUSINESS

1. First Reading – ORDINANCE NO. 2013-23 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PERMANENT EASEMENT FOR AN ENCROACHMENT UPON THE PUBLIC RIGHT-OF-WAY, AND DECLARING AN EMERGENCY (Ulbright)

Mr. Ulbright stated that City Square Steakhouse has requested a permanent easement to allow for a new stoop and handrails to be added to the front of the restaurant. The easement would also allow for space to erect a canopy windbreak to shield the front entrance from the elements. Mr. Ulbright noted that adjacent buildings already have six-foot encroachments like the one requested and that the plans were approved by the Design and Review Board.

Mr. Ulbright moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Ansel, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

2. First Reading – ORDINANCE NO. 2013-24 AN ORDINANCE EXTENDING THE CITY OF WOOSTER'S MORATORIUM ON THE PROCESSING OR APPROVAL OF APPLICATIONS FOR PERMITS OR APPROVALS UNDER THE CITY'S ZONING OR BUILDING CODES FOR ANY PREMISES FOR WHICH AN ADULT GAMING PARLOR OR SWEEPSTAKES TERMINAL DEVICE IS, OR IS PROPOSED TO BE LOCATED, AND DECLARING AN EMERGENCY (Knapic)

Ms. Knapic explained to council that this ordinance would extend the moratorium that council first put into place in 2011. The State of Ohio legislature has recently passed legislation to govern these businesses and the city wishes to wait until those rules are in place before processing applications so that the city can comply with state law.

Ms. Knapic moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Ms. Knapic moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

3. First Reading – RESOLUTION NO. 2013-57 A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT APPLICATIONS TO THE STATE OF OHIO DEPARTMENT OF DEVELOPMENT FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT, TO ACCEPT SUCH MONIES, IF AWARDED; TO EXECUTE ANY NECESSARY DOCUMENTS IN CONNECTION THEREWITH; AND DECLARING AN EMERGENCY (Ansel)

Mr. Ansel stated that the city has been notified by the Ohio Development Services Agency that the city is eligible for \$75,000.00 in grant money. The grant money would be divided three ways, with 77% of it going to replacing sidewalks in low to moderate income neighborhoods; 17% going to Viola Startzman Free Clinic; and the remaining 6% going towards the federal fair housing requirement.

Mr. Ansel moved, seconded by Mr. Cavin, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Ms. Knapic, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

4. First Reading – RESOLUTION NO. 2013-58 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2013 (Steiner)

Mr. Steiner noted that the vehicles are to replace two of the cruisers currently used by K-9 units with Ford Interceptor utility vehicles. Police Chief, Matt Fisher, stated that these vehicles are on state bid and that the police department also solicited bids in the local paper to ensure the best possible purchase. The all-wheel drive vehicles will allow more room for the K-9 cages and equipment than the cruisers currently in use.

Mr. Steiner moved, seconded by Mr. Silvestri, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

5. First Reading – RESOLUTION NO. 2013-59 A RESOLUTION AUTHORIZING THE CITY OF WOOSTER TO JOIN A REGIONAL COUNCIL OF GOVERNMENTS PURSUANT TO CHAPTER 167 OF THE OHIO REVISED CODE, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated that, following a feasibility study completed in 2011, the cities of Wooster and Ashland believe that it would be beneficial to their respective residents to form a council of governments to continue these discussions. Mr. Steiner stated that he would leave the legislation on first reading. Mr. Ulbright sought clarification that this resolution would not create a new dispatching center. Mr. Montgomery confirmed that this resolution only creates a council of governments. Mr. Benson provided clarification as to the definition of a council of governments and what they are empowered to do. Mr. Ansel sought confirmation as to whether or not Wayne County officials have been advised of the decision that Ashland and Wooster have made to move forward together. Mr. Benson and Mr. Montgomery stated that it was their understanding that the Wayne County Commissioners have been informed.

6. First Reading – RESOLUTION NO. 2013-60 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF THE WATER LINE SERVING WAYNE AVENUE (Sanders)

Mr. Sanders stated that due to the repaving project on Oak Hill Road, the city would like to replace a section of waterline serving Wayne Avenue that has been prone to breaks. The waterline ties into the line along Oak Hill Road and this project will allow the city to minimize the disruption to residents of doing the projects separately.

Mr. Sanders moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

7. First Reading – RESOLUTION NO. 2013-61 A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PROCEED WITH A COOPERATIVE AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF SIGNS ON STATE ROUTES 3 AND 83 WITHIN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (PID 82260) (Ulbright)

Mr. Ulbright informed council that ODOT will be replacing signs at no cost to the city as part of ODOT's sign replacement process.

Mr. Ulbright moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ulbright moved, seconded by Mr. Sanders, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

8. First Reading – RESOLUTION NO. 2013-62 A RESOLUTION AMENDING AND RESTATING TO THE OHIO POLICE AND FIRE PENSION FUND, IN COMPLIANCE WITH OAC §742-7-14, THE INTENTION OF THE CITY OF WOOSTER TO HONOR THE PREVIOUSLY ADOPTED "PICK UP" PROGRAM FOR THE POLICE DIVISION, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated that, due to changes in the state's pension laws, the rate the police and fire personnel will now be required to pay more into their pension funds. This resolution re-states to the Ohio Police and Fire Pension fund that the city will continue to send the pre-tax pension contributions of its police officers as it has been. There will be no increase in the amount paid by the city during this time.

Mr. Steiner moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Steiner moved, seconded by Mr. Sanders, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

9. First Reading – RESOLUTION NO. 2013-63 A RESOLUTION AMENDING AND RESTATING TO THE OHIO POLICE AND FIRE PENSION FUND, IN COMPLIANCE WITH OAC §742-7-14, THE INTENTION OF THE CITY OF WOOSTER TO HONOR THE PREVIOUSLY ADOPTED “PICK UP” PROGRAM FOR THE FIRE DIVISION, AND DECLARING AN EMERGENCY (Steiner)

Mr. Steiner stated that this legislation is identical to the previous piece except that it pertains to fire department personnel. Mr. Benson took over as clerk for the remainder of the discussion and vote on this piece of legislation.

Mr. Steiner moved, seconded by Mr. Ansel, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Silvestri asked if it was possible to have a single piece of legislation to address both fire and police. Mr. Dordea responded that the state pension funds requested separate pieces of legislation.

Mr. Steiner moved, seconded by Mr. Ulbright, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

10. First Reading – RESOLUTION NO. 2013-64 A RESOLUTION ADOPTING AN UPDATE TO THE CITY OF WOOSTER'S CITIZEN PARTICIPATION PLAN IN CONNECTION WITH COMMUNITY DEVELOPMENT BLOCK GRANT ACTIVITIES IN THE CITY OF WOOSTER, AND DECLARING AN EMERGENCY (Ansel)

Ms. Hamilton returned to council chambers and distributed Resolution No. 2013-64 to council members. Mr. Ansel stated that the city must resubmit a Citizen Participation Plan in connection with our participation in the Community Development Block Grant program. It is possible that the city could lose future funding if this plan is not on file with the state office. Ms. Knapic asked Mr. Millea about any changes that were made to the plan since it was first approved. Mr. Millea said most changes were to update old job titles and references and to add contact information. Mr. Sanders asked about the definition of “protected classes.” Mr. Millea responded that it is a term used by the federal government in the HUD program and the language was included to comply with the federal law.

Mr. Ansel moved, seconded by Mr. Ulbright, to suspend the rules and place on third and final reading. Upon roll call, motion carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

Mr. Ansel moved, seconded by Mr. Steiner, to adopt. Upon roll call, motion to adopt carried unanimously (Ansel-yes; Cavin-yes; Knapic-yes; Sanders-yes; Silvestri-yes; Steiner-yes and Ulbright-yes).

President Buytendyk informed council members that they had received a corrected copy of Resolution No. 2013-52, which had been passed at the June 3, 2013 meeting. The legislation had been corrected to read “Wayne Township” instead of “Green Township.” Since there were no objections, Mr. Buytendyk stated that it would be approved as corrected.

VIII. MISCELLANEOUS

Mr. Ansel reiterated that he would be conducting a Finance Committee meeting at 6:00p.m. on July 1, 2013 in council chambers to discuss Mr. Montgomery’s 2012 recapitulation, operating objectives, departmental goals, etc.

IX. ADJOURNMENT

Mr. Ulbright moved, seconded by Mr. Steiner, to adjourn. Motion carried and meeting so adjourned at 9:36 p.m.

Michael G. Buytendyk
President of Council

Amy M. Hamilton
Clerk of Council